

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ZENO STAGGER,

Petitioner,

v.

CASE NO. 10-14553
HONORABLE GEORGE CARAM STEEH

BLAINE C. LAFLER,

Respondent.

_____ /

**ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner Zeno Stagger has filed a habeas corpus petition challenging his Oakland County conviction for five counts of first-degree criminal sexual conduct. The habeas petition alleges that (1) petitioner was denied effective assistance of trial counsel, (2) the trial court violated his constitutional rights by not giving a missing-evidence jury instruction, (3) the trial court erred when it scored five points for offense variable three of the state sentencing guidelines, and (4) his sentence of thirty to fifty years was based on inaccurate information.

Currently pending before the Court is petitioner's motion for appointment of counsel. Petitioner alleges that he is unable to retain counsel and that counsel would present the habeas claims to the Court more effectively than he can. The motion also seeks oral arguments and an evidentiary hearing.

Petitioner has adequately articulated his claims, and he has no constitutional right to counsel in a habeas corpus proceeding. *Post v. Bradshaw*, 422 F.3d 419, 425

(6th Cir. 2005) (citing *Coleman v. Thompson*, 501 U.S. 722, 752-53 (1991)).

Furthermore, respondent argues in an answer to the petition that Petitioner's claims are procedurally defaulted or not cognizable on habeas corpus review. Because it is possible that petitioner's claims are not cognizable here or are barred from review by the doctrine of procedural default, the interests of justice do not require appointment of counsel at this time. Consequently, petitioner's motion for appointment of counsel [dkt. #8] is **DENIED**. The requests for oral arguments and an evidentiary hearing likewise are denied.

Dated: July 6, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 6, 2011, and also to Zeno Stagger at Carson City Correctional Facility, 10522 Boyer Road, Carson City, MI 48811, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk